

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 ANTHONY K. ANDERSON,  
4 Plaintiff,  
5 v.  
6 STATE OF NEVADA, *et al.*,  
7 Defendants.

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Case No. 2:21-cv-00514-APG-EJY

**ORDER**

9 Pending before the Court are Plaintiff's second and third *in forma pauperis* applications (ECF  
10 Nos. 5 and 7), and Ex Parte Motion for Appointment of Counsel (ECF No. 9). Under 28 U.S.C. §  
11 1915(a)(2) and Local Rule LSR 1-2 Plaintiff's second *in forma pauperis* application is complete and  
12 granted rendering the third *in forma pauperis* application moot.

13 Plaintiff's Ex Parte Motion for Appointment of Counsel is denied. Plaintiff does not have a  
14 constitutional right to appointment of counsel to assist with his 42 U.S.C. § 1983 civil rights  
15 claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). The appointment of counsel in  
16 a civil rights matter requires the Court to find extraordinary circumstances, which in turn requires  
17 the Court to consider the likelihood of Plaintiff's success on the merits of his case and his ability to  
18 articulate his claims in light of the complexities of the legal issues presented. *Agyeman v.*  
19 *Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004). "Neither of these factors is  
20 dispositive and both must be viewed together before reaching a decision on [a] request [for]  
21 counsel." *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A review of Plaintiff's First  
22 Amended Complaint (ECF No. 8), which is the subject of a separate screening order, reveals neither  
23 the complexities nor the likelihood of success necessary to warrant appointment of counsel at this  
24 time. In fact, Plaintiff's 193 page First Amended Complaint does not state a coherent claim upon  
25 which relief maybe granted.

26 Accordingly, IT IS HEREBY ORDERED that Plaintiff's second *in forma pauperis*  
27 application (ECF No. 5) is GRANTED.  
28

1 IT IS FURTHER ORDERED that Plaintiff's third *in forma pauperis* application (ECF No.  
2 7) is DENIED as moot.

3 IT IS FURTHER ORDERED that Plaintiff's Ex Parte Motion for Appointment of Counsel  
4 (ECF No. 9) is DENIED for the reasons stated above.

5 Dated this 27th day of May, 2021.

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8 ELAYNA J. YOUCHAK  
UNITED STATES MAGISTRATE JUDGE